

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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GUILLERMO CEPEDA,

Plaintiff,

-against-

NANCY A. BERRYHILL,

Defendant.
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18 Civ. 7304 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 12, 2019, Judge Cave issued a Report and Recommendation to grant Plaintiff's motion for judgment on the pleadings, deny Defendant's motion for judgment on the pleadings, vacate the decision by the Commissioner (the "Commissioner") of the Social Security Administration (the "SSA") denying Plaintiff's application for Supplemental Security Income benefits under the Social Security Act, and remand to the SSA for further proceedings (Dkt. No.18);

WHEREAS, as stated in Judge Cave's December 12, 2019, Report and Recommendation, the deadline for any objections was December 26, 2019;

WHEREAS, no objections were timely filed;

WHEREAS, in reviewing a Magistrate Judge's Report and Recommendation, a District Judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) Advisory Committee Notes; *accord Niles v. O'Donnell*, No. 17 Civ. 1437, 2019 WL 1409443, at *1 (S.D.N.Y. Mar. 28, 2019);


WHEREAS, the Court finds no clear error on the face of the record. It is hereby

ORDERED that the Report and Recommendation is **ADOPTED** in its entirety as the

opinion of the Court. For the reasons stated in the Report and Recommendation, Plaintiff's motion for judgment on the pleadings is **GRANTED** and Defendant's motion for judgment on the pleadings is **DENIED**. The decision by the Commissioner denying Plaintiff's application for Supplemental Security Income benefits under the Social Security Act is vacated and the case is remanded to the SSA for further proceedings.

The Clerk of Court is respectfully requested to close the motions at Dkt. Nos. 6, 11 and 15, and to close the case.

Dated: January 6, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE